

ZONING BOARD OF ADJUSTMENT MEETING
January 17, 2024

The public hearing began at 7:00 P.M.

Members present were:

Ryan Flaim
Joseph Stefano
Rudolph Luisi
Darwin Cooper
Joseph Repice
Andrew Groestsch
George LoBiondo

Members absent: Eric Hernandez

Others Present were:

Michael Malinsky, Zoning Board Solicitor
Yasmin Perez, Zoning Board Secretary
Patrick Finley, Zoning Officer
Rick Crudelle, Assistant Zoning Officer
Ryan Headley, Zoning Board Engineer/Planner

Mr. Malinsky opened the pre-meeting to reorganize for the year.

Mr. Stefano made a motion to nominate George LoBiondo as Chairman.

Roll Call:

Ryan Flaim: Yes
Joseph Stefano: Yes
Rudolph Luisi: Yes
Darwin Cooper: Yes
Joseph Repice: Yes
Andrew Groestsch: Yes
George LoBiondo: Yes

Mr. Flaim made a motion to nominate Joseph Stefano as Vice Chairman.

Roll Call:

Ryan Flaim: Yes
Joseph Stefano: Yes
Rudolph Luisi: Yes
Darwin Cooper: Yes
Joseph Repice: Yes
Andrew Groestsch: Yes
George LoBiondo: Yes

Mr. Stefano made a motion to nominate Michael Malinsky as Solicitor.

Roll Call:

Ryan Flaim: Yes
Joseph Stefano: Yes

Rudolph Luisi: Yes
Darwin Cooper: Yes
Joseph Repice: Yes
Andrew Groestsch: Yes
George LoBiondo: Yes

Mr. Flaim made a motion to nominate Yasmin Perez as Secretary.

Roll Call:

Ryan Flaim: Yes
Joseph Stefano: Yes
Rudolph Luisi: Yes
Darwin Cooper: Yes
Joseph Repice: Yes
Andrew Groestsch: Yes
George LoBiondo: Yes

Mr. Stefano made a motion to nominate Ryan Headley as Board Planner/Engineer.

Roll Call:

Ryan Flaim: Yes
Joseph Stefano: Yes
Rudolph Luisi: Yes
Darwin Cooper: Yes
Joseph Repice: Yes
Andrew Groestsch: Yes
George LoBiondo: Yes

Mr. Stefano made a motion to approve the meeting schedule for 2024.

Roll call:

Ryan Flaim: Yes
Joseph Stefano: Yes
Rudolph Luisi: Yes
Darwin Cooper: Yes
Joseph Repice: Yes
Andrew Groestsch: Yes
George LoBiondo: Yes

Mr. Malinsky went over revisions to the agenda.

The Chairman entertained a motion to approve the minutes from the December 20, 2023 meeting.

Roll call:

Darwin Cooper: Abstain
Ryan Flaim: Abstain
Rudolph Luisi: Abstain
Joseph Repice: Yes
Joseph Stefano: Yes
Andrew Groestsch: Yes
George LoBiondo: Yes

The Chairman entertained a motion to approve the resolutions from the December 20, 2023 meeting

Roll call:

Darwin Cooper: Abstain

Ryan Flaim: Abstain
Rudolph Luisi: Abstain
Joseph Repice: Yes
Joseph Stefano: Yes
Andrew Groestsch: Yes
George LoBiondo: Yes

MARIE DANNA ESTATE, 34 S. Myrtle Street, Block 4201, Lot 20, Zone R, certification of non-conforming use for a two-unit family dwelling.

The applicant was represented by Michael Gruccio, Esq. The property is in the R zone and bulk variances are required to legitimize the two family dwelling. The applicant is also requesting relief for the dimensional non-conformities. According to the tax records, the structure was built in the year 1915 as a duplex. The applicant acquired the property in the year 1954, and it was always occupied as a two family structure. Tax Assessor records indicate that the property is a two family dwelling dating back to the 1980's. The Landis Sewage Authority and Code Enforcement recognize the structure as a two family dwelling. The property has two residential sewerage hookups since the year 1988. Records from Licenses and Inspections indicate the property is registered as a two family dwelling since the year 1999. A floor plan and a survey were submitted as part of the application package. Each dwelling has a living room, dining room, kitchen, bathroom and two bedrooms. The non-conformities are interior lot frontage, 50 feet whereas 130 feet required. Front yard setback, 14.25 feet whereas 30 feet required. Side yard setback, northerly side 7 feet whereas 20 feet required. Southerly side is 9 feet whereas 20 feet required. There is ample proof that this dwelling should be recognized as a two family dwelling.

Mr. Headley indicated that a recorded easement for the shared access will be a condition of approval.

Chairman made a motion to close the public hearing.

Roll call:

Darwin Cooper: Yes
Ryan Flaim: Yes
Rudolph Luisi: Yes
Joseph Repice: Yes
Joseph Stefano: Yes
Andrew Groestsch: Yes
George LoBiondo: Yes

Mr. Stefano made a motion to approve the application.

Roll call:

Darwin Cooper: Yes
Ryan Flaim: Yes
Rudolph Luisi: Yes
Joseph Repice: Yes
Joseph Stefano: Yes
Andrew Groestsch: Yes
George LoBiondo: Yes

Application granted.

GOLDEN MEDINA CO., INC, 409 W. Elmer Street, Block 3808, Lot 3, Zone R, certification of non-conforming use for a three-unit family dwelling.

The applicant was represented by Michael Gruccio, Esq. The application contains several documents. There is a survey dated 11/4/23. Floor plans depicting each dwelling unit on the property dated 12-14-23. Property record card from the year 1980. The property record card reveals a two family dwelling conversion in the principal dwelling. The second property record card depicts a second story dwelling unit in the garage. License and Inspections records, rental registration records show registrations for three units. The Landis Sewerage Authority reveal three units since the year 1988. The applicant also requested that the board certify all bulk and dimensional conditions.

Mr. Finley indicated that old property record card is very detailed showing the three units on the property

Chairman made a motion to close the public hearing.

Roll call:

Darwin Cooper: Yes

Ryan Flaim: Yes

Rudolph Luisi: Yes

Joseph Repice: Yes

Joseph Stefano: Yes

Andrew Groestsch: Yes

George LoBiondo: Yes

Mr. Stefano made a motion to approve the application.

Roll call:

Darwin Cooper: Yes

Ryan Flaim: Yes

Rudolph Luisi: Yes

Joseph Repice: Yes

Joseph Stefano: Yes

Andrew Groestsch: Yes

George LoBiondo: Yes

Application granted.

FRANK FERRERI, JR, 1761 Almond Road, Block 2701, Lot 3, Zone I-2, use variance and waiver of site plan requirements for a mixed use property containing a debris-hauling contractor's business, painting contractor's business, single-family residence.

The applicant was represented by Michael Gruccio, Esq. The property contains a single-family dwelling and contains a painting contractor's yard. There is a provision in the City of Vineland's ordinance, section 425-7E, purposes of multiple non-residential uses may collocate on a property with the exception of areas in the Pinelands zone. The residence on the property is a non-conforming use. This application does not involve the expansion of a non-conforming use or introduction of another single-family use. The proposal is for a second I-2 zone use to coexist with the residence. Employees of the painting contractor's business occupy the residence. This board previously approved use variance for a debris-hauling yard submitted by the applicant. The applicant navigated the process of receiving approvals, and the party was no longer interested. The board previously recognized a use that was similar.

Carol Tutelian, Professional Engineer, Engineering Design Associates, testified on behalf of the applicant. Her firm prepared a site plan for this site in the year 2018. There is a one-story dwelling with a small garage and two larger garages. All site improvements are complete. Site is located in the I-2 zone and the contractor's business is a permitted use. The application is for a second I-2 use. They are willing to avoid certain permitted uses on this property. The required lot area is one (1) acre and this property is four (4) acres. There is sufficient space to

accommodate the uses. It is a large property and it is well maintained. If the variance is granted, the applicant is willing to restrict the following allowable uses: pallet recycling, plastic recycling or animal/poultry processing. Under the positive criteria, the purpose of zoning advances under 40:55D is letter g, to provide sufficient space in appropriate locations for a variety of agricultural, residential, recreational, commercial and industrial uses and open space, both public and private, according to their respective environmental requirements in order to meet the needs of all New Jersey citizens. There is sufficient space on this site and there are no environmental constraints. Purpose m, to encourage coordination of the various public and private procedures and activities shaping land development with a view of lessening the cost of such development and to the more efficient use of land. This is an efficient use of land. There is no new development is proposed and will remain as it is. As for negative criteria, there is no substantial detriment to the public good. It is a large property and everything remains the same. The uses will be in conformance with the zone. It is compatible with the industrial uses in that area. It does not impair the intent and purpose of the zone plan. The property is four (4) acres and enough to accommodate another use. There is undeveloped area to the rear of the property and services as a buffer to the rear. The buildings are oriented to Almond Road.

Mr. Headley indicated that the applicant requested a waiver of site plan. They would have to return for site plan approval, if there are any changes in the future.

Franchesco Paul Ferreri, Owner, testified on his own behalf. He indicated he agrees to return if he expands on the property. He is also willing to confine operations on the site to the areas approved in the year 2018. He is giving up any uses that are bothersome to neighbors. The garages are currently empty and will be rented to other businesses compatible to the zone.

Raymond Nash, 1824 Cedar Avenue, member of the public. He is concerned with preservation of the character of the neighborhood and the impact on quality of life. The board needs a specific use for review. He would like the board to deny a blanket approval.

Mr. Headley explained that this is not a blanket approval because he is proposing allowable uses. The application is before the Zoning Board because of the dwelling.

Mr. Finley agreed with Mr. Headly and explained the approval process.

Ron Yargo, member of the public, operates business on Cedar Avenue. He had a contract to purchase the property, and board wanted certain requirements causing him to back out of the deal. The site plan looks like what he previously proposed when he was interested in the property. He has questions and concerns about unknowns. The site plan approved in 2018, had no trucking, no deliveries and garage would be used for painting. There were six (6) parking spaces approved. Shortly after a pallet recycling company started to operate at that property. The pallets were stacked 30-35 feet high. That operation continued for a long time and ceased recently. He is asking board to not permit a variance for a generic use of the property.

Mr. Finley explained that the pallet company operated illegally and the City worked hard through enforcement to shut it down. The owner of the property was very cooperative with the City.

Chairman made a motion to close the public hearing.

Roll call:

Darwin Cooper: Yes

Ryan Flaim: Yes

Rudolph Luisi: Yes

Joseph Repice: Yes

Joseph Stefano: Yes

Andrew Groestsch: Yes
George LoBiondo: Yes

Mr. Stefano made a motion to approve the application.

Roll call:

Darwin Cooper: Yes
Ryan Flaim: Yes
Rudolph Luisi: Yes
Joseph Repice: Yes
Joseph Stefano: Yes
Andrew Groestsch: Yes
George LoBiondo: Yes

Application granted.

CCS DEVELOPMENT LLC, 2112 S. Delsea Drive, Block 5601, Lots 75 & 76, Zone B-3/R-3, use variance and preliminary and final major site plan approval to construct a self-storage facility containing 42,448 square feet of storage space, together with a two-story building with a business office on the first floor and residential dwelling on the second floor with variance for impervious lot coverage.

The applicant was represented by Michael Gruccio, Esq.

Use Variance-

Carol Tutelian, Professional Engineer and Planner, testified on behalf of the applicant. The property is split zone with the front portion in the B-3 zone and the rear portion is in the R-3 zone. The property received approvals for a self-storage unit in the year 2006. The storm water regulations changed and the site was re-designed. Most of the development is concentrated towards Delsea Drive. The stormwater basins are in the R-3 zone. The front of the site has an existing one-story office with associated parking. Access to the site is off south Delsea Drive. There will be a security gate and fencing around the site. The self-storage is a low impact use and works well in a split zone. Under the purposes of zoning this meets letter g, to provide sufficient space in appropriate locations for a variety of agricultural, residential, recreational, commercial and industrial uses and open space, both public and private, according to their respective environmental requirements in order to meet the needs of all New Jersey citizens. Under the negative criteria, there is no substantial detriment to the public good. A self-storage facility is low impact on the area with less traffic.

Chairman made a motion to close the public hearing.

Roll call:

Darwin Cooper: Yes
Ryan Flaim: Yes
Rudolph Luisi: Yes
Joseph Repice: Yes
Joseph Stefano: Yes
Andrew Groestsch: Yes
George LoBiondo: Yes

Mr. Stefano made a motion to approve the Use Variance.

Roll call:

Darwin Cooper: Yes
Ryan Flaim: Yes

Rudolph Luisi: Yes
Joseph Repice: Yes
Joseph Stefano: Yes
Andrew Groestsch: Yes
George LoBiondo: Yes

Site Plan-

Mr. Gruccio explained that all comments in the Engineering report are acceptable. The relief proposed in the Planning report is minimal.

Carol Tutelian, Planning Report, variance for item 5b, impervious lot coverage (42.8% provided vs. 30% maximum allowed). This plan splits the difference between the zones. They comply with the B-3 zone, and this property is more appropriate for a B-3 use.

The applicant is requesting waivers in item 7, fencing and screening around the perimeter of the proposed stormwater management basin #1. (The proposed stormwater basin is four (4) feet deep, and the ordinance requires fencing and screening for basins that are greater than 2 feet in depth). Fencing and screening around the perimeter of the proposed stormwater management basin #2. (The proposed stormwater basin is six (6) feet deep, and the ordinance requires fencing and screening for basins that are greater than 2 feet in depth). Fencing and screening around the perimeter of the proposed stormwater management basin #3. (The proposed stormwater basin is four (4) feet deep, and the ordinance requires fencing and screening for basins that are greater than 2 feet in depth). The entire property is fenced and the building is a buffer for the area without fencing. Item 9b, waiver for sidewalks are not proposed along the street frontage of the site. Sidewalks do not exist on abutting properties, therefore sidewalks are not required unless the Board finds that by reason of the particular conditions of the site, its location or surroundings, sidewalks are required to protect the public safety. Item 14g, waiver from showing storm sewer, existing and proposed, in plan and profile.

Chairman made a motion to close the public hearing.

Roll call:

Darwin Cooper: Yes
Ryan Flaim: Yes
Rudolph Luisi: Yes
Joseph Repice: Yes
Joseph Stefano: Yes
Andrew Groestsch: Yes
George LoBiondo: Yes

Mr. Stefano made a motion to approve the Site Plan

Roll call:

Darwin Cooper: Yes
Ryan Flaim: Yes
Rudolph Luisi: Yes
Joseph Repice: Yes
Joseph Stefano: Yes
Andrew Groestsch: Yes
George LoBiondo: Yes

Application granted.

BRENTWOOD PROFESSIONAL CONDOMINIUM ASSOCIATION, 2466 E. Chestnut Avenue, Block 4405, Lot 32, Zones B-2/R-4, extension request.

Mr. Headley explained that the applicant is requesting an extension for a major site plan approval approved February 16, 2022.

Mr. Stefano made a motion to approve the request.

Roll call:

Darwin Cooper: Yes

Ryan Flaim: Yes

Rudolph Luisi: Yes

Joseph Repice: Yes

Joseph Stefano: Yes

Andrew Groestsch: Yes

George LoBiondo: Yes

Extension granted for one year.

Meeting adjourned at 9:10 PM

Roll call:

Darwin Cooper: Yes

Ryan Flaim: Yes

Rudolph Luisi: Yes

Joseph Repice: Yes

Joseph Stefano: Yes

Andrew Groestsch: Yes

George LoBiondo: Yes

Yasmin Perez, Secretary

Zoning Board of Adjustment